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September 8, 2009

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> The Honorable Anne K. Quinlan **Acting Secretary** Surface Transportation Board 395 E Street, S.W.

Washington, D.C. 20423-0001

225703

Re:

Docket No. 42104, Entergy Arkansas, Inc. and Entergy Services, Inc. v. Union Pacific R.R. and Missouri & Northern Arkansas R.R. Co., Inc.; F.D. No. 32187, Missouri & Northern Arkansas R.R. – Lease, Acquisition and Operation Exemption - Missouri Pacific R.R. and Burlington N. R.R.

Dear Ms. Quinlan:

Enclosed for filing in the above-referenced proceeding please find an original and ten (10) copies of Entergy's Reply to M&NA's Motion to Make More Definite. We have also enclosed an additional copy of the filing to be date-stamped and returned to the bearer of this letter. Thank you for your attention to this matter.

Sincerely,

Stephanie M. Adams

An Attorney for Entergy Arkansas, Inc.

and Entergy Services, Inc.

Stephen M. Oelus

**Enclosures** 

# BEFORE THE SURFACE TRANSPORTATION BOARD

ENTERGY ARKANSAS, INC. and ENTERGY SERVICES, INC., Complainants

v.

UNION PACIFIC RAILROAD COMPANY and MISSOURI & NORTHERN ARKANSAS RAILROAD COMPANY, INC., Defendants.

MISSOURI & NORTHERN ARKANSAS R.R. – LEASE, ACQUISITION AND OPERATION EXEMPTION – MISSOURI PACIFIC R.R. and BURLINGTON NORTHERN R.R. Docket No. 42104

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Finance Docket No. 32187

#### REPLY TO MOTION TO MAKE MORE DEFINITE



ENTERGY ARKANSAS, INC. and

ENTERGY SERVICES, INC.

O.H. Storey Cory R. Cahn P.O. Box 551

Little Rock, AR 72203

**OF COUNSEL:** 

Slover & Loftus LLP 1224 Seventeenth St., N.W. Washington, D.C. 20036 (202) 347-7170

Dated: September 8, 2009

By: C. Michael Loftus
Frank J. Pergolizzi
Andrew B. Kolesar III
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Attorneys & Practitioners

## BEFORE THE SURFACE TRANSPORTATION BOARD

| ENTERGY ARKANSAS, INC. and ENTERGY SERVICES, INC., Complainants v.  | ) ) ) ) ) Docket No. 42104       |
|---|----------------------------------|
| UNION PACIFIC RAILROAD<br>COMPANY and MISSOURI &<br>NORTHERN ARKANSAS RAILROAD<br>COMPANY, INC., Defendants.                                    | )<br>)<br>)<br>)                 |
| MISSOURI & NORTHERN ARKANSAS<br>R.R. – LEASE, ACQUISITION AND<br>OPERATION EXEMPTION – MISSOURI<br>PACIFIC R.R. and BURLINGTON<br>NORTHERN R.R. | ) ) ) Finance Docket No. 32187 ) |

# ENTERGY'S REPLY TO M&NA'S MOTION TO MAKE MORE DEFINITE

Complainants Entergy Arkansas, Inc. ("EAI") and Entergy Services, Inc. ("ESI") (collectively, "Entergy") submit this Reply to the Motion to Make More Definite ("Motion") filed by the Defendant Missouri & Northern Arkansas Railroad Company, Inc. ("M&NA") on August 17, 2009. In reply thereto, Entergy states as follows:

In its Motion, M&NA argues that the "Amended Complaint . . . does not describe the route or other carrier that will be a party to the through route with M&NA." Motion at 4. On information and belief, Entergy avers that BNSF

Railway Company would be the additional participant in the through route(s) that Entergy seeks to have prescribed by the Board. As formal discovery has not yet begun, Entergy is currently unable to provide more information about the potential through route or through routes. Subsequent to discovery, Entergy expects to be in a better position to provide this information.

Respectfully submitted,

ENTERGY ARKANSAS, INC. and ENTERGY SERVICES, INC. O.H. Storey Cory R. Cahn P.O. Box 551 Little Rock, AR 72203

**OF COUNSEL:** 

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**Attorneys & Practitioners** 

Dated: September 8, 2009

### **CERTIFICATE OF SERVICE**

I hereby certify that this 8th day of September, 2009, I served copies of the foregoing Reply to M&NA's Motion to Make More Definite on counsel for the parties of record both by email and by first-class mail, postage prepaid.

Stephanie M. Adams

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